

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

In order to distinguish the Lyocell fibers used in the method of claim 1 over those disclosed in the LUO reference, Applicants propose to amend claim 1 such as to refer to Lyocell fibers produced by means of a dry-wet spinning process.

Support for his amendment can be found in the first paragraph of the specification of the present application. This paragraph refers to two different processes for making fibers of the Lyocell type, i.e. the dry-wet spinning process on the one hand and a melt-blown process on the other hand (the melt-blown process is employed by LUO).

The specification, in the second paragraph of page 1, also refers to US-A 4,246,221. This is the basic patent teaching production of Lyocell fibers by spinning through an air-gap and drawing the fibers via mechanical means such as rolls, as opposed to drawing the fibers via an air-stream or by centrifugally spinning, such as disclosed in LUO.

Nota bene, LUO discusses the prior art regarding dry-wet spinning including US-A 4,246,221 on column 2, first paragraph. On column 4, lines 28 to 30, LUO concludes the discussion of the prior art by stating „*The present process produces a new Lyocell fiber that overcomes many of the limitations of the fibers produced from synthetic polymers, rayons and the presently available lyocell fibers.*”

It is thus clear that LUO itself distinguishes the fibers made according to the processes disclosed therein from „*available lyocell fibers*”, i.e. those made by a dry-wet spinning process such as taught in US-A 4,246,221.

LUO continues by teaching that the fibers according to LUO's invention are different from the lyocell fibers available at the time of the LUO disclosure in that they have, amongst others, a pebbled surface and a cross-section of varying shape and

diameter (see the end of this paragraph, column 4, lines 37: „*All of these (...) characteristicits (...) are missing in lyocell fibers produced commercially to the present*“).

Thus, the LUO reference itself makes clear that the fibers according to the LUO reference are different to those made by a dry-wet spinning process.

Referring to the pending Office Action, in item 3. the Examiner states that "Fibers of like structure (...) will necessarily have like properties". Fibers made via a dry-wet spinning process (as per the amendment to claim 1) and fibers made by a melt-blown or centrifugal spinning process (as per the teaching of LUO) have quite different properties, as shown above. Thus, the presumption of the Examiner according to which the fibers of LUO will have the claimed ratio V can not be sustained.

It needs to be noted that the ratio V depends on two parameters, i.e. tenacity and elongation of the fiber. In the process for making Lyocell fibers, both these factors are decisively influenced by the way the fiber spun from the spinneret is drawn in the air gap. As mentioned above, however, the processes of LUO differ from the wet-dry spinning process such as disclosed in US 4,246,221 exactly in the way the fibers are drawn. In the wet-dry spinning process, the fibers are drawn mechanically by way of e.g. rolls, whilst in LUO the fibers are drawn by an air stream or by centrifugally spinning. Considering these differences, LUO does not teach the ratio V as per claim 1.

Finally, it was not obvious at all that fibers produced by a dry-wet spinning process, possessing the ratio V as defined in claim 1 and having a comparably high titer as also defined in claim 1 are especially suitable in a method for producing the products defined in claim 1. As mentioned on page 4, first paragraph of the specification of the present application, it was found that Lyocell fibers having a higher titer and a balanced ratio V (such as defined in claim 1) have a higher flexural stiffness as compared to other cellulose fibers. Higher flexural stiffness is an important property for the products defined in claim 1, such as carpets.

Therefore, claim 1 as amended is also clearly both novel and inventive with respect to the prior art.

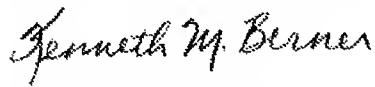
Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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